

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	ZHANG ET AL.)	
)	Examiner D. Herrera
Appl. No.	10/814,831)	
)	Art Unit 3617
Confirm. No.	6501)	
)	Atty. Docket CS23995RL
Filed:	31 March 2004)	
Title:	"Enhanced Voice Pre-Emption of Active Packet Data Services"		

PRE-APPEAL BRIEF REVIEW REQUEST

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Review Request & Claims Pending

The application stands subject to a final Office Action mailed on 9 June 2008. Pre-appeal brief review is respectfully requested. A notice of appeal has been filed herewith. No amendments have been filed since the mailing of the final Office action. Claims 1-13 and 15-18 are currently pending.

Arguments re: Misra & Fan

Rejection Summary

Claims 1-13 and 15-18 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication No. 2004/0022209 (Misra) in view of U.S. Publication No. 2003/00079021 (Fan).

Discussion of Claim 1

Regarding Claim 1, The Examiner concedes that Misra fails to disclose "...suspending operation of a dormancy timer initiated upon pre-emption of the active packet session... [and] ... re-starting the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session" as recited in Claim 1.

The Examiner's reliance on Fan to overcome the deficiencies of Misra is erroneous. Fan discloses a call server that sends accounting data to an authentication, authorization and accounting (AAA) server. At paragraph [0025], Fan indicates that the call server collects subscriber IP session billing data at a first billing rate and collects billing data at a second rate upon expiration of a Time of Day (TOD) timer. The call server reports the billing data to the AAA server. At paragraph [0026], Fan discusses network operator initiated Accounting Interim (AI) events that prompt the call server to send interim subscriber accounting status reports to the AAA server and Accounting Stop (AS) events that prompt the call server to send IP session activity accounting reports to the AAA server. At paragraph [0027], Fan describes how the call server responds to the AI and AS events. In the case of an AS event, the call server sends an accounting stop message (in the form of session parameters) to the AAA server to indicate termination of a first portion of the billing session billed at the first rate. Thereafter, the call server sends an accounting start message to the AAA server for IP sessions billed at the second

rate. Contrary to the Examiner's assertion, there is no disclosure in Fan for any of the "pre-empting", "suspending" or "re-starting" limitations of Claim 1. Misra and Fan cannot be combined in a manner that meets the limitations of Claim 1. Claim 1 is thus patentably distinguished over Misra and Fan.

Discussion of Claim 7

Regarding Claim 7, The Examiner concedes that Misra fails to disclose "...suspending initiation of a dormancy timer that would otherwise be initiated after pre-emption of the packet session ... [and] ... initiating the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session" as recited in Claim 7.

The Examiner's reliance on Fan to overcome the deficiencies of Misra is erroneous. Fan discloses a call server that sends accounting data to an authentication, authorization and accounting (AAA) server. At paragraph [0025], Fan indicates that the call server collects subscriber IP session billing data at a first billing rate and collects billing data at a second rate upon expiration of a Time of Day (TOD) timer. The call server reports the billing data to the AAA server. At paragraph [0026], Fan discusses network operator initiated Accounting Interim events that prompt the call server to send interim subscriber accounting status reports to the AAA server and Accounting Stop events that prompt the call server to send IP session activity accounting reports to the AAA server. At paragraph [0027], Fan describes how the call server responds to the Interim and Stop events. In the case of a Stop event, the call server sends an accounting stop message (in the form of session parameters) to the AAA server to indicate termination of a first portion of the

billing session billed at the first rate. Thereafter, the call server sends an accounting start message to the AAA server for IP sessions billed at the second rate. Contrary to the Examiner's assertion, there is no disclosure in Fan for the "pre-empting", "suspending" or "initiating" limitations of Claim 1. Misra and Fan cannot possibly be combined in a manner that meets the limitations of Claim 7. Claim 7 is thus patentably distinguished over Misra and Fan.

Discussion of Claim 13

Regarding Claim 13, Contrary to the Examiner's assertion, Misra does not disclose "suspending a dormancy timer after receiving the network control message" as recited in Claim 13. In paragraph [0020], Misra discloses an MSC that sends a MS a message that prevents the MS from performing any action (i.e., re-establishing the packet data session) that would prevent the MSC from paging the MS. A server that prevents an MS from re-establishing a packet session is not the same as suspending initiation of a dormancy timer. Misra does not disclose a dormancy timer.

The Examiner's reliance on Fan to overcome the deficiencies of Misra is erroneous. Fan discloses a call server that sends accounting data to an authentication, authorization and accounting (AAA) server. At paragraph [0025], Fan indicates that the call server collects subscriber IP session billing data at a first billing rate and collects billing data at a second rate upon expiration of a Time of Day (TOD) timer. The call server reports the billing data to the AAA server. At paragraph [0026], Fan discusses network operator initiated Accounting Interim events that prompt the call server to send interim subscriber accounting status reports to the AAA server and Accounting Stop events that prompt the call server to send IP session activity accounting

reports to the AAA server. At paragraph [0027], Fan describes how the call server responds to the Interim and Stop events. In the case of a Stop event, the call server sends an accounting stop message (in the form of session parameters) to the AAA server to indicate termination of a first portion of the billing session billed at the first rate. Thereafter, the call server sends an accounting start message to the AAA server for IP sessions billed at the second rate. Contrary to the Examiner's assertion, there is no disclosure in Fan for "...suspending an active packet session of the wireless communication device in response to receiving the network control message [and] suspending a dormancy timer after receiving the network control message" as recited in Claim 13. Misra and Fan cannot possibly be combined in a manner that meets the limitations of Claim 13. Claim 13 is thus patentably distinguished over Misra and Fan.

Prayer For Relief

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue without delay.

Respectfully submitted,

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